

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**GREGORY DONNELLY,**

**Petitioner,**

**V.**

**BERNARD BRADY,**

**Respondent.**

**Civil Action No. 04-12706-RWZ**

## **RESPONDENT'S MOTION TO DISMISS PETITION**

Respondent Bernard Brady hereby respectfully moves for dismissal of the Habeas Corpus Petition (the “Petition”) filed by Petitioner Gregory Donnelly (the “Petitioner”). The Petitioner cannot maintain this action, because he has failed to satisfy the timing requirements applicable to habeas corpus petitions. In further support of this Motion, the Respondent relies on and incorporates the memorandum of law filed herewith.

WHEREFORE, the Respondent requests that this Honorable Court allow this Motion and dismiss the Petition with prejudice in its entirety.

Respectfully submitted,

THOMAS F. REILLY  
Attorney General

/s/ Randall E. Ravitz  
Randall E. Ravitz (BBO # 643381)  
Assistant Attorney General  
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Boston, Massachusetts 02108  
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Dated: April 15, 2005

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the above document was served on April 15, 2005, by first-class mail, postage prepaid, upon:

Gregory Donnelly  
Middlesex House of Correction  
269 Treble Cove Road  
Billerica, MA 01862

pro se

/s/ Randall E. Ravitz  
Randall E. Ravitz